



U. S. Department of Justice

United States Trustee
Central District of California

221 N. Figueroa Street
Suite 800
Los Angeles, CA 90012-2650

Chapter 7 (213) 894-6387
Chapter 11 (213) 894-6811
FAX (213) 894-2603

Memorandum

March 13, 2002

To: All Chapter 7 Panel Trustees and Chapter 13 Standing Trustees
From: L. Charmayne Mills, Regional Assistant U.S. Trustee
Re: Debtor Identification Initiative - Supplemental Information

This memorandum is intended to supplement my earlier memo to you dated January 22, 2002 regarding the Debtor Identification Initiative. Attached you will find the following materials which are discussed in detailed below:

- Declaration Regarding Administration of Oath and Confirmation of Identity and Social Security Number;
- Revised Debtor Identification Report;
- Example of a revised Trustee's Calendar;
- Instructions for Filing "Notice of Service of Correction of Social Security Number in Bankruptcy Filing";
- Notice of Service of Correction of Social Security Number in Bankruptcy Filing and Declaration of Service by Mail; and
- Maureen A. Tighe's January 23rd memo to bankruptcy practitioners.

Declaration Regarding Administration of Oath and Confirmation of Identity and SSN

Except in rare circumstances, the debtor(s) must appear in person at the § 341(a) meeting. However, trustees may be faced with an extenuating circumstance that would prevent the debtor from appearing in person. Extenuating circumstances may include military service, terminal illness, or incarceration. In such circumstances, the debtor's appearance may be secured by alternative means, such as telephonically. When the debtor(s) cannot personally appear before the trustee, the trustee must make arrangements for an independent third party to be present at the debtor's location to administer the oath and to verify the debtor's identity and social security number. Examples of individuals who may serve in this capacity are bankruptcy trustees situated

in the debtor's locale, court reporters or notaries. A "Declaration Regarding Administration of Oath and Confirmation of Identity and Social Security Number" must be completed by the individual performing this function. A sample is attached at Exhibit A. The "declarant" shall indicate on the form the type of original documents used for proof. The trustee will verify with the declarant that the SSN matches the debtor's petition. In a situation where the debtor is unable to appear before an individual authorized to administer the oath, the trustee should consult with the OUST staff attorney assigned.

Revised Debtor Identification Report

The Debtor Identification Report initially circulated with my January 22, 2002 memorandum has been superseded by the attached Exhibit B. Your contact person, however, remains the same as set forth below:

For Los Angeles trustees:	Attention Regional Unit
For Santa Ana trustees:	Attention Art Marquis, AUST
For Riverside trustees:	Attention Gary Dyer, AUST
For Woodland Hills trustees:	Attention Regional Unit - LA
For Standing Trustees LA/WH:	Attention Regional Unit - LA
For Amrane Cohen:	Attention Art Marquis, AUST
For Rod Danielson	Attention Gary Dyer, AUST

Do not file this form with the Court.

Revised Trustee's Calendar

As you are aware, a Debtor Identification Report should be completed for anything other than mistakes and typographical errors. All falsification and misuse issues should be referred as soon as detected.

In situations where you have requested an amendment to correct a mistake on the Petition and a Debtor Identification Report is not required, we are asking that you make a notation on your 341(a) calendar stating the reason why identity was questioned. Attached at Exhibit C is a sample of a calendar with the additional column added at the end of the row and a key at the top indicating what the numbers 1, 2 and 3 represent. You should insert in the ID/SS# column the number or numbers that apply.

For Chapter 7 Panel Trustees: This office has contacted all of the chapter 7 software/banking vendors and requested that this additional column be added to the calendars. However, implementation of this change may take several weeks. In the meantime, please write the information in the comments section on your calendars.

For Chapter 13 Standing Trustees: Please advise Carol Osborne if you will have any problems inserting this information into your calendars.

Calendars should be submitted to the same designated contact as the Debtor Identification Reports.

Instructions for Filing "Notice of Service of Correction of Social Security Number in Bankruptcy Filing" and Notice of Service of Correction of Social Security Number in Bankruptcy Filing and Declaration of Service by Mail

When, at the § 341(a) meeting, you request that a petition be amended to correct a mistake thereon, you should provide the debtor, or debtor's attorney, with copies of the "Notice of Service of Correction of Social Security Number in Bankruptcy Filing and Declaration of Service by Mail". Instructions, a copy of the Notice, and the Notice of Service are attached at Exhibit D. Also attached is a copy of the January 23rd memo sent by Maureen Tighe to bankruptcy practitioners advising them of this requirement.

We look forward to seeing you at our program next week. Please call me or Carol if you have any questions.

Attachments

CC: Maureen A. Tighe, United States Trustee
All Assistant United States Trustees
All Trial Attorneys, Analysts and Paralegal Specialists

EXHIBIT A
DECLARATION REGARDING
ADMINISTRATION OF OATH AND
CONFIRMATION OF IDENTITY AND SSN

**DECLARATION REGARDING ADMINISTRATION OF OATH AND
CONFIRMATION OF IDENTITY AND SOCIAL SECURITY NUMBER**

In re: (Debtor's Name) _____
Bankruptcy Case No. _____
Date of telephonic or video conference appearance at section 341 meeting of creditors:

I declare as follows:

- 1) My name is : _____
(Print or type)
- 2) My work address is: _____
- 3) My work telephone number is: (____) _____
- 4) The address from where I participated in the section 341 meeting of creditors is:

- 5) I am a person authorized to administer oaths in the State of _____, by virtue of the following fact:
____ I am a notary
____ I am a court reporter
____ I am a judicial officer
____ I am authorized to give an oath under the Code of Military Justice
____ Other: _____
(Give title and legal authority for power to administer oath)
- 6) I personally verified the identity of the debtor by checking his/her original photo identification;
____ Drivers License, (State & number) _____
____ State Identification (State & number) _____
____ Passport (Country, number, expiration date) _____
____ Military Identification (Branch & ID number) _____
____ Other (describe) _____
- 7) I personally inspected the following original document as proof of the debtor's social security number and orally confirmed it with the trustee:
____ Social Security Card
____ Social Security Administration Statement
____ W-2 Form
____ Recent Payroll Stub
____ Employers Health Card or Medical Insurance Card
____ Other (specify) _____
- 8) On _____ I did administer an oath to the debtor, prior to the trustee
(Date)
commencing the questioning of the debtor for the telephonic or video conference interview of the debtor.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this _____ day of _____, in _____, _____.

(Date) (Month) (Year) (City) (State)

Signature of Person Administering Oath and Verifying Identity and Social Security Number

EXHIBIT B
Revised DEBTOR IDENTIFICATION REPORT

DEBTOR IDENTIFICATION REPORT					Please return to U.S. Trustee Office			
TRUSTEE:					Chapter - (circle	7	12	13
CASE NAME(S):								
CASE NUMBER:								
DATE CASE FILED:								
ORIGINAL 341 DATE & TIME:					Has Amended Petition been filed? Circle one			
CONTINUED 341A MEETING DATE & TIME:					yes	no	Date filed	
DEBTOR'S ATTORNEY OR PREPARER'S NAME:					Telephone #:			
SOCIAL SECURITY NUMBER(S) AS LISTED ON PETITION:								
VALID SOCIAL SECURITY NUMBER(S) :								
IF INCORRECT NAME(S) ON PETITION, DEBTOR'S CORRECT NAME(S):								
DOCUMENT USED FOR SOCIAL SECURITY VERIFICATION - complete one								
Driver's License	State Picture	Passport	Resident Alien Card	Medical Ins. Card	W-2 Form	SSA Report		
#	#	#	#	#	#	#		
Government ID	Student ID	Military ID	Social Security Card	Pay Stub	IRS Form 1099	Other:		
#	#	#	#	#	#	#		
DOCUMENT USED FOR NAME VERIFICATION - complete one								
Driver's License	State Picture	Passport	Resident Alien Card	Medical Ins. Card	W-2 Form	SSA Report		
#	#	#	#	#	#	#		
Government ID	Student ID	Military ID	Social Security Card	Pay Stub	IRS Form 1099	Other:		
#	#	#	#	#	#	#		
EXPLANATION GIVEN FOR INCORRECT NAME OR SOCIAL SECURITY NUMBER: place a check mark								
Questionable name or identity documents				(1)				
Questionable SSN card or documentation				(2)				
Typographical error/counsel error/petition preparer error				(3)				
Has or owns two or more Social Security numbers				(3)				
Did not sign/file Petition/Co-Debtor unaware of bankruptcy				(3)				
Possible misuse or falsification/card does not look authentic				(3)				
Other: (describe)								
Action Trustee intends to take:								
Please state any reason(s) why the case should not be dismissed.								
FOR UST USE ONLY:								
	Date of action	Initials	Actionable	Attachments	Referral date & TA	Ticklers		
Spreadsheet input								
Screening Action:								
Notification to CRA with proof of service								
Notification to USA								
Amended Petition filed								
CP								
SSA								

EXHIBIT C
EXAMPLE - REVISED TRUSTEE CALENDAR

TRUSTEE 341 MEETING CALENDAR

After Meeting

Either Original or Continued 341 Meeting

Page 1

District: CECA

Last Date to Object to Exemptions:

I.D. 1 Questionable Names/Identity Documents
 SS# 2 Wrong - Typographical, counsel, petition preparer error
 SS# 3 Wrong - Possible misuse or falsification

Trustee:

Meeting Date:

Time:

Continuance Date: (1)

Item No.	Case Number	Debtor's Name(s)	Attorney	341 App	Continued			Dismiss		Remarks	NDR Filed	ID/SS# 1,2,3
					N/App	Other	From	N/App	A/D			

EXHIBIT D
INSTRUCTIONS FOR AND NOTICE OF
SERVICE OF CORRECTION OF SSN IN
BANKRUPTCY FILING
AND JANUARY 23RD MEMO FROM UNITED
STATES TRUSTEE TO BANKRUPTCY
PRACTITIONERS



U.S. Department of Justice

*Office of the United States Trustee
Central District of California*

221 No. Figueroa Street
Suite 800
Los Angeles, CA 90012

Phone (213) 894-6811
Fax (213) 894-2603

***INSTRUCTIONS FOR FILING "NOTICE OF SERVICE OF CORRECTION OF
SOCIAL SECURITY NUMBER IN BANKRUPTCY FILING"***

In accordance with the attached United States Trustee memorandum dated January 23, 2002 regarding the use of incorrect social security numbers on bankruptcy petitions, the U.S. Trustee has adopted the following procedures to be followed by debtors in order to comply with the requirements of correcting the petition and notifying the three largest credit reporting agencies.

Upon request by the chapter 7 or chapter 13 trustee at the 341(a) meeting to amend a petition to correct a mistake thereon, the trustee will provide the Debtor (or Debtor's attorney, if any) with copies of the attached Notice of Correction of Social Security Number in Bankruptcy Filing and Notice of Service of Correction of Social Security Number in Bankruptcy Filing. The Debtor shall complete the Notice and mail it to the credit reporting agencies listed thereon, with a conformed copy of the amended petition enclosed. The Debtor shall then serve all creditors, the chapter 7 or 13 trustee, and the U.S. Trustee (at the address above) with the Notice of Service (with copies of the Notice and conformed amended petition attached thereto), and file the Notice of Service with the Court with an original proof of service. The Debtor shall then submit a conformed copy of the Notice of Service to the U.S. Trustee. All of the above items must be completed no later than 10 calendar days following the 341(a) meeting.

March 2002

Attorney or Party Name, Address, Telephone and Fax Number (YOUR NAME) (ADDRESS) (TELEPHONE NUMBER) (FAX NUMBER, IF ANY) DEBTOR IN PRO PER	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: [DEBTOR'S NAME], <div style="text-align: right;">Debtor(s)</div>	CHAPTER CASE NUMBER [CASE # HERE]
	(No Hearing Required)

NOTICE OF SERVICE OF CORRECTION OF SOCIAL SECURITY NUMBER IN BANKRUPTCY FILING

1. On [put date Bankruptcy filed here], I caused a bankruptcy petition to be filed using Social Security Number [put SSN listed on the original petition] which was in error. On [put Amended Petition date here], I filed an amended Petition listing my correct Social Security Number.
2. I have caused a copy of that amended Petition and a *Notice of Correction of Social Security Number in Bankruptcy Filing* to be served on all three Credit Reporting Agencies. Attached to this cover page is a copy of the *Notice of Correction of Social Security Number in Bankruptcy Filing*, a conformed copy of the amended petition and the original Proof of Service.

Dated:

By:

PRINT YOUR NAME(s) HERE AND SIGN ON THE LINE
 Debtor(s) In Pro Per

NOTICE OF CORRECTION OF SOCIAL SECURITY NUMBER
IN BANKRUPTCY FILING

**TO: EXPERIAN
PROFILE MAINTENANCE
P. O. BOX 9558
ALLEN, TEXAS 75013**

**TRANS UNION CORPORATION
ATTN: PUBLIC RECORDS DEPT.
555 WEST ADAMS STREET
CHICAGO, IL 60661**

**EQUIFAX
P. O. BOX 144717
ORLANDO, FL 32814**

FROM: _____
(Debtor's name as reflected on the Bankruptcy Petition)

DATE BANKRUPTCY FILED: _____ CHAPTER: _____

INCORRECT SSN: ____ - ____ - ____

CORRECT SSN: ____ - ____ - ____

Enclosed please find an amended bankruptcy petition which lists the correct Social Security Number for the above named Debtor.

The Debtor originally filed the bankruptcy petition using an incorrect Social Security Number. This Social Security Number was not assigned to the Debtor and was listed on the bankruptcy petition.

Please correct your records to indicate that the individual assigned Social Security Number ____ - ____ - ____ did not file this bankruptcy in the Central
(Incorrect Social Security Number)
District of California.

I declare under penalty of perjury that the foregoing facts are true and correct.

Signature: _____
Printed name: _____

Enclosure: amended petition

DECLARATION OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am over the age of 18 and not a party to the within action; and my address is _____

On _____, I served the document described as **NOTICE OF CORRECTION OF SOCIAL SECURITY NUMBER IN BANKRUPTCY FILING** with a conformed copy of the amended Bankruptcy Petition on the following Credit Reporting Agencies at the following addresses:

[LIST EACH ADDRESS HERE]

On _____, I served this entire document described as **NOTICE OF SERVICE OF CORRECTION OF SOCIAL SECURITY NUMBER IN BANKRUPTCY FILING** with a conformed copy of the amended Bankruptcy Petition on the interested parties at their last known address in this action by first-class mail by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States mail at _____, California, addressed as follows:

**Office of the U.S. Trustee
Attn: Regional Unit
221 N. Figueroa Street, Suite 800
Los Angeles, CA 90012**

**[List everyone served here - use as many pages as necessary]
[Serve the U.S. Trustee as listed above, Chapter 7 or 13 trustee, and all creditors]**

I declare under penalty of perjury that the foregoing is true and correct.

DATED:

(Print name of person putting documents in mail under this line, and this person must sign above)



U. S. Department of Justice

United States Trustee
Central District of California

221 N. Figueroa Street
Suite 800
Los Angeles, CA 90012-2650

Chapter 7 (213) 894-6387
Chapter 11 (213) 894-6811
FAX (213) 894-2603

Memorandum

January 23, 2002

To: All Bankruptcy Practitioners
Central District of California

From: Maureen A. Tighe, United States Trustee *MT*

Re: Debtor Identity Initiative

We have noted an increased incidence in the use of false names or social security numbers on bankruptcy petitions. In some cases, this is done intentionally to invoke the protection of the automatic stay without placing a bankruptcy filing on one's own credit report. In other instances, the error may result from simple carelessness during the preparation of the petition. However, in either event, the court record contains erroneous information and the credit reports of innocent third parties are adversely impacted.

In cases where actual fraud was suspected, appropriate referrals are made to the Federal Bureau of Investigation and the United States Attorney. However, criminal prosecution alone will not completely address this problem. As a result, as indicated in the attached notice, **EFFECTIVE WITH ALL FIRST MEETINGS SCHEDULED ON OR AFTER FEBRUARY 18, 2002, ALL INDIVIDUAL DEBTORS APPEARING FOR EXAMINATION AT THEIR SECTION 341 MEETING OF CREDITORS MUST PROVIDE THE TRUSTEE WITH SATISFACTORY PROOF OF THEIR IDENTITY AND CORRECT SOCIAL SECURITY NUMBER.**

Permissible forms of identification include a valid state driver's license, government-issued picture identification card, U.S. Passport, or legal resident alien card. Proof of a social security number may be provided through documents such as a social security card, current W-2 Form or a payroll check stub. Other forms of identification or official documents which clearly establish identity and/or provide verification of a social security number (e.g. union card, student i.d. card) may be accepted as well.

Acceptable proof of the debtor's identity and social security number as outlined above must be presented to the trustee at the 341 meeting. If the debtor does not have the required proof, or if the trustee determines from the proof presented that the name or social security

number on the petition is incorrect, the 341 meeting will be adjourned and continued to the trustee's next calendar date. In addition, in those cases in which the petition is incorrect, you will be asked to take the following actions:

1. File an amended petition with the Clerk of Court containing the correct name and/or social security number. A file-marked copy of your amended petition should be served on the Chapter 7 trustee and the United States Trustee. If the trustee receives the amended petition prior to the date set for the continuation of the 341 meeting, and is satisfied that all necessary corrections have been made, the trustee may cancel the continued meeting. If an amended petition has not been received by the trustee prior to the date set for the continued meeting, the trustee will be instructed to refer the case to the OUST for appropriate action.

2. Send a copy of the amended petition to the three largest credit reporting agencies. I have enclosed a sample notification form which may be adapted for your use. Addresses for the reporting agencies are listed on the sample form. In addition, please send a copy of the notification form to the trustee and the OUST. Taking this step will help ensure that any innocent party's credit record is corrected. We will follow-up with the credit reporting agencies on a periodic basis to see if they have been notified of, and have instituted, all required changes.

The costs incurred by innocent individuals seeking to correct erroneous information entered on their credit reports can be substantial. We believe that with your assistance we can substantially reduce the number of bankruptcy petitions containing incorrect names and social security numbers. We appreciate your understanding and cooperation.



U.S. Department of Justice

*Office of the United States Trustee
Central District of California*

PUBLIC NOTICE

DEBTOR IDENTIFICATION PROGRAM

**EFFECTIVE FEBRUARY 18, 2002,
ALL INDIVIDUAL DEBTORS ARE REQUIRED TO PROVIDE PICTURE
IDENTIFICATION AND PROOF OF SOCIAL SECURITY NUMBER TO THE TRUSTEE
AT THE §341(a) MEETING**

ACCEPTABLE TYPES OF PICTURE IDENTIFICATION ("ID"):

- Valid State Driver's License
- Government ID
- State Issued Picture ID
- Student ID
- Military ID
- U.S. Passport or Legal Resident Alien Card

ACCEPTABLE PROOF OF SOCIAL SECURITY NUMBER ("SSN"):

- Social Security Card
- Medical Insurance Card
- W-2 Form for the most recent tax year or Pay Stub
- IRS Form 1099
- Social Security Administration Report
- Official document which indicates Name and SSN

NOTE: PICTURE ID AND PROOF OF SSN MUST BE ORIGINALS, NOT PHOTOCOPIES. ONE DOCUMENT MAY BE USED FOR PROOF OF BOTH ID AND SSN IF IT CONTAINS BOTH A PICTURE ID AND THE SSN. DEBTOR(S)' ATTORNEY MAY NO LONGER VOUCH FOR THE IDENTITY OF THE DEBTOR(S). ANY ID OR PROOF OF SSN OTHER THAN THOSE LISTED ABOVE MUST BE APPROVED BY THE U.S. TRUSTEE.

CONSEQUENCES FOR FAILURE TO PRODUCE REQUIRED DOCUMENTS:

- The §341(a) meeting will be continued to the trustee's next calendar. Failure to produce the documents at the continued meeting may result in dismissal of the case or other official action by the U.S. Trustee.

CONSEQUENCES FOR ERROR IN SSN:

- An Amended Petition must be filed pursuant to Fed. R. Bankr.P. 1009 to correct any incorrect SSN. Failure to do so within ten calendar days from the creditors' meeting may result in a Motion to Dismiss pursuant to 11 U.S.C. §707(a) filed by the U.S. Trustee. Debtor shall give notice of the amendment to the trustee and to any entity affected thereby.
- Failure to correct a SSN may result in dismissal of the case or other official action by the U.S. Trustee.

NOTICE OF CORRECTION OF SOCIAL SECURITY NUMBER
IN BANKRUPTCY FILING

TO: EXPERIAN
PROFILE MAINTENANCE
P. O. BOX 9558
ALLEN, TEXAS 75013

TRANS UNION CORPORATION
ATTN: PUBLIC RECORDS DEPT.
555 WEST ADAMS STREET
CHICAGO, IL 60661

EQUIFAX
P. O. BOX 144717
ORLANDO, FL 32814

FROM: _____,
Debtor

DATE: _____

INCORRECT SSN: ____ - ____ - ____
CORRECT SSN: ____ - ____ - ____

Enclosed please find an amended bankruptcy petition which lists the correct social security number for the above named Debtor.

The Debtor originally filed the bankruptcy petition using an incorrect social security number. This social security number was not assigned to the Debtor and was inadvertently listed on the bankruptcy petition.

Please correct your records to indicate that the individual whose social security number is ____ - ____ - ____ is not the debtor in Case # _____
filed in _____
(Federal Judicial District)

Enclosure
cc: Office of the United States Trustee